

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

F'REAL FOODS, LLC and)
RICH PRODUCTS CORPORATION,)
)
Plaintiffs,)
)
v.) C.A. No. 16-41 (CFC)
) CONSOLIDATED
HAMILTON BEACH BRANDS, INC.,)
HERSHEY CREAMERY COMPANY and)
PAUL MILLS d/b/a MILLS BROTHERS)
MARKETS,)
)
Defendants.)

DEFENDANTS' PROPOSED ORDER ON POST-TRIAL BRIEFING

Post-trial motions and briefing will proceed as follows:

- 1) By **May 22, 2019**, Defendants shall file an up to ~~10~~^{a 2,000 word} page opening brief on indefiniteness under 35 U.S.C. § 112 of Claim 22 of U.S. Patent No. 7,144,150 and Claims 1, 5, 6, 10, and 11 of U.S. Patent No. 7,520,658;
- 2) By **May 30, 2019**, Plaintiffs shall file an up to ~~10~~^{a 2,000 word} page opposition brief on indefiniteness;
- 3) By **June 5, 2019**, Defendants shall file an up to ~~5~~^{a 1,000 word} page reply brief on indefiniteness;
- 4) Within 28 days of the Court's entry of judgment following the indefiniteness briefing, the parties shall file any post-trial motions pursuant to Fed. R. Civ. P. 50(b) or 59; and Plaintiffs shall file any briefs on motions to declare the case exceptional under 35 U.S.C. § 285, attorneys' fees, pre- and post-judgment interest, supplemental damages or accounting, injunction, and ongoing royalties. For all opening briefs, the

* All briefs shall use 14-point font.

~~8,500~~
parties shall be limited to a total of ~~12,500~~ words per side;

- 5) Within 28 days of the parties' opening briefs, the parties shall file opposition briefs, limited to a total of ~~12,500~~^{8,500} words per side;
- 6) Within 14 days of the parties' opposition briefs, the parties shall file reply briefs, limited to a total of ~~6,250~~^{4,000} words per side;
- 7) Within 28 days of the Plaintiffs filing a motion for an injunction, Defendants shall file any motion and brief to stay an injunction, limited to 2,500 words;
- 8) Within 14 days of the Defendants' filing a stay motion, Plaintiffs shall file any opposition to Defendants' motion to stay an injunction, limited to 2,500 words; and
- 9) Within 14 days of the Plaintiffs filing an opposition to the Defendants' stay motion, Defendants shall file any reply brief in support of their motion to stay an injunction, limited to 1,250 words.

Dated May 15, 2019

Cohen F. Clegg
United States District Judge

*The parties shall not evade word limitation requirements by citing to affidavits or other documents that set forth legal arguments. Such affidavits and documents shall be struck. Pin-point citation is required for all briefs.